

Remarks

Applicants stand on claims 1-4, as in the Annex of the IPER document, copy attached. The rejection of claims 5-8 will be treated as a rejection of claims 1-4.

Claims 1-3 (stated to be 5-7) were rejected under 35 USC § 102(b) as being anticipated by Ray et al. U.S. Pat. No. 5,321,751.

The present invention is based on the novel idea of furnishing each Point of Sale (POS) with a camera that, in real time, creates an image that may be a face or biometric indicator of a card holder, i.e., of a living person that wishes to effect a purchase with a credit card. That image is compared with a pre-recorded image of similar indicia of the card issuee. This is an image-to-image comparison.

In contradistinction thereto, Ray teaches two embodiments involving storing of image data. In a first embodiment (col. 4, lines 23-68 and col. 5, lines 1-15) image data is stored digitally on a card, together with digital test data. In a second embodiment (col. 5, lines 16-35) the image data is stored remotely at the CAA. In both cases, the image data is called up on a monitor to see if the image is a likeness of the card holder's individual appearance (col. 4, lines 35-39). According to Ray et al., the comparison is between an image on a monitor, called up either from the card or from the CAA, in comparison to a live person. In summary, Ray et al. teach comparison of a pre-recorded image to a live person based on his or her appearance. This is quite different from Applicant's image-to-image comparison.

The difference between these two system is clear and critical. Whereas according to Ray et al. and disregarding the algorithm test, any holder of a card also bearing a true picture of the card holder who presents the card to such a POS, will receive a clear feedback and authorization to

complete the transaction. According to the present invention, this will not be the case unless the real online image of the living person which is present at the Point of Sale, will favorably compare the image stored in the company's data base and be approved. The comparison of two picture images is difference from the comparison of one image and a real person or real biometric information.

This difference is clearly claimed in claim 1, line 5 "providing at least one credit card reader and a camera at a purchasing location...", in line 7, "operating said credit card reader and camera to effect display of the credit card holder's image" and in line 10, "comparing the displayed image with the stored image of the card holder." This image-to-image comparison is not met by the prior art.

Applicants have also amended claim 1 to clarify the situation regarding remote (credit company) storage of a first image of the card owner or holder and a locally acquired (Point of Sale) second image of the card presenter.

Claim 2 is dependent on claim 1 and merely claims an embodiment in which, in addition to having the holder's picture taken, the camera also communicates the picture to a data storage unit.

With respect to claim 3, the claim is amended to read:

3. (currently amended) A method as claimed in claim 1, wherein said camera is ~~operated~~ also utilized to photograph...

This claim merely adds a further step of utilizing the same camera to image the credit card bearing general data, as well as a picture, i.e., create an image of an image. Claims 2 and 3 should be patentable if claim 1 is patentable.

Concerning claims 4, the Examiner rejected this claim as being anticipated by Houvener et al. The Examiner's

position is respectfully traversed. There is no teaching in the cited reference of such a method wherein: "multiple images of identification data" are displayed and prompting the operator in the POS "to select the correct data" and determine whether "the selected data is correct."

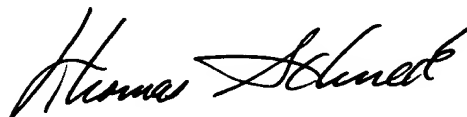
In other words, the company initiates sending multiple images (questionnaire) to the salesman at the POS and requires the sales person to select the correct image (answer). In this regard, the Examiner's attention is directed to the description on page 5, last two paragraphs and the first paragraph of page 6 of the specification.

Houvener on the other hand, teaches an interaction between the Point of Identification authorizing the purchase and the salesman, in which further verification may be requested, which further identification may comprise such items as "checking and banking transactions, firearms sales, food stamp reimbursement and a host of other applications related to the welfare, voting, law enforcement, etc." (see col. 4, lines 40-46 of Houvener).

This is not the case of the present invention, wherein the salesman is presented with a questionnaire requesting the selection of one or more true data (answers) from a multiplicity of data (questions), which are display. Claim 4 has been amended to make this clearer. Thus, whereas Houvener teaches the comparison between data, the present invention teaches the requirement to force a salesman at POS to select a correct answer to questions presented, thus avoiding the possibility of negligence on the salesman's part to verify the true identity of the customer standing before him/her.

Reconsideration of the claims is requested in view of the amendment and remarks herein. A Notice of Allowance is earnestly solicited.

Respectfully submitted,



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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signed: Merle P. Garcia
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Date: October 19, 2004